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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/763,654	01/22/2004	Edward Eytchison	Sony-05400	9392
28960 7590 02/22/2007 HAVERSTOCK & OWENS LLP 162 NORTH WOLFE ROAD SUNNYVALE, CA 94086			EXAMINER JUNG, DAVID YIUK	
			ART UNIT 2134	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE			MAIL DATE	DELIVERY MODE
3 MONTHS			02/22/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Office Action Summary**

Application No.

10/763,654

Applicant(s)

EYCHISON ET AL.

Examiner

David Y. Jung

Art Unit

2134

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☐ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
- Paper No(s)/Mail Date 1/05.

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_.

## **DETAILED ACTION**

### **CLAIMS PRESENTED**

Claims 1-31 are presented.

Claims 1-21, 25-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Darrell (Integrated person tracking using stereo, color, and pattern detection, Darrell, T.; Gordon, G.; Harville, M.; Woodfill, J.; Computer Vision and Pattern Recognition, 1998. Proceedings. 1998 IEEE Computer Society Conference on 23-25 June 1998 Page(s):601 – 608) and Davis (Context Tailor: Towards a Programming Model for Context-Aware Computing, Davis, Sow, Blount, Ebling, 1st International ACM Workshop on Middleware for Pervasive and Ad-Hoc Computing, June 2003).

Claims 22-24 depend from claim 21. Claims 22-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Darrell and Davis and Seno (A network authentication system with multi-biometrics, Seno, S.; Sadakane, T.; Baba, Y.; Shikama, T.; Kouji, Y.; Nakaya, N.; Communications, 2003. APCC 2003. The 9th Asia-Pacific Conference on Volume 3, 21-24 Sept. 2003 Page(s):914 - 918 Vol.3).

Claims 1, 10, 11, 21, 27 are independent claims. Claims 22-24 depend from claim 21.

### **CLAIM REJECTIONS**

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The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-21, 25-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Darrell and Davis.

Regarding claim 1, Davis teaches "A method comprising: detecting a user's electronic device activity pattern; comparing the detected activity pattern against a plurality of user action identification profiles, wherein each user action identification profile is associated with a particular unique user; and using the comparing (section 3. Application Space, e.g., credit card fraud detection which identifies patterns of credit card use)."

These passages of Davis do not teach "to identify the current user as being one of the particular users " in the sense of the claim.

Darrell teaches "to identify the current user as being one of the particular users (Figure 1, i.e., tracking and identification)" for the motivation of better tracking persons (section 1. Introduction, i.e., locate and track user).

Hence, it would have been obvious to those of ordinary skill in the art at the time of the claimed invention to combine the teachings of Darrell and Davis for the motivation noted in the previous paragraphs so as to teach the claimed invention.

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Claims 1, 10, 11, 21, 27 are independent claims.

The special features of claim 10 (detection etc.), claim 11 (system etc.), claim 21 (storing the activity pattern etc.), claim 27 (identification system with modules etc.) are taught by Darrell (section 4 Integrated Tracking, especially the second paragraph concerning collecting data and detection).

Regarding claims 2, 5-9, 12, 15-19, 25, 28, 29, 31 (various user identifying), these features are taught by Darrell (section 4 Integrated Tracking, especially the second paragraph concerning collecting data and detection)

Regarding claims 3, 4, 13, 14, 20, 26, 30 (various scoring as to whether matches are reasonable), these features are taught by Davis (section 3. Application Space, e.g., credit card fraud detection which identifies patterns of credit card use)."

Claims 22-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Darrell and Davis and Seno.

Claims 22-24 depend from claim 21. Darrell and Davis teach as noted in the rejection of claim 21:

Thus, Darrell and Davis teach all but the special features of claims 22-24 (biometric features and password, etc.).

The special features of claims 22-24 (biometric features and password, etc.) are taught by Seno (section I. Introduction, i.e., finger print, iris, passwords, etc.) for the motivation of user authentication ((section I. Introduction).

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Hence, it would have been obvious to those of ordinary skill in the art at the time of the claimed invention to combine the teachings of Darrell and Davis and Seno for the motivation noted in the previous paragraphs so as to teach the claimed invention.

***Conclusion***

The art made of record and not relied upon is considered pertinent to applicant's disclosure. The art disclosed general background.

***Points of Contact***

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

**or faxed to:**

(571) 273-8300, (for formal communications intended for entry)

**Or:**

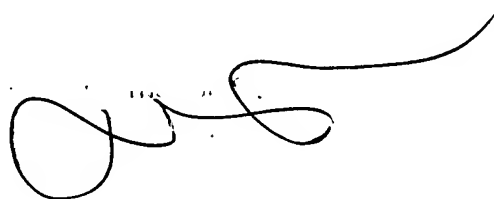
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(571) 273-3836 (for informal or draft communications, please label "PROPOSED" or "DRAFT")

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Jung whose telephone number is (571) 272-3836 or Kambiz Zand whose telephone number is (272) 272-3811.

David Jung

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A handwritten signature in black ink, consisting of a large loop followed by a series of connected strokes that end in a long, sweeping tail.

Patent Examiner

2/19/07